



FREMONT PLANNING BOARD

February 18, 2009

Meeting Minutes

Approved February 25, 2009

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Selectman Gene Cordes, Member John (Jack) Downing, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham called the meeting to order at 7:10 pm.

Mr. Downing made the motion to approve the minutes of the February 4, 2009 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

CTAP

Inclusionary Housing Zoning Ordinance

Housing Chapter of the Master Plan

CTAP Build-out

Mr. Barham asked Mr. West if there is a timeline to draft the Inclusionary Housing zoning ordinance for which funding in the amount of \$5,000 was approved by the NH DOT. Mr. West stated that the projected deadline for the grant runs out June 30, 2009 and he agreed to have a progress timeline for next week.

Mr. West said that the CTAP build-out and the Housing Chapter of the Master Plan should be done prior to the Inclusionary Housing ordinance. These are all to be funded with CTAP Phase I discretionary money. The current timetable for all three is June 30, 2009.

There was a conversation relative to the Boards concern of losing the approved funding if the projects are not completed by the June 30, 2009 deadline date. Mr. Barham asked if it would be appropriate for the Board to send a letter to RPC to relate that all of these need to be done by the end of June. Mr. Cordes said that the issues are 1) how serious is the June 30 deadline in terms of losing funding; and 2) is more time going to be effective. Mr. West said that he needs to talk to Ansel Sanborn of NH DOT to find out when the build-outs will be done and when the discretionary money needs to be accounted. He will report back to the Board at the next meeting.

At the January 21, 2009 meeting Mr. West related that there is approximately \$3,000 left of this round of the CTAP discretionary funds that were allotted to be spent by Fremont on a wetlands zoning issue. At that time the Board discussed requesting the use of some of the funds to pay for

a Wetlands Mitigation Plan, Vegetative Buffer Ordinance or a Wetlands Ordinance that would include enforcement authority and enforcement procedures and Mr. West agreed to review the existing ordinance to find where the funds would best be used.

Mr. West said that he now feels that he will not have the time to do any additional work, but he noted that if the Board wants to do one of the projects discussed he would apply for the funding and the Board could choose to use a consultant outside of RPC. There was some interest in this suggestion and Mr. West agreed to bring a list of wetland consultants for the next meeting.

OPEN SPACE PLAN

Mr. West reported that the Open Space Plan is also funded by Phase I of the CTAP discretionary money, also with the deadline of June 30, 2009.

MASTER PLAN

Transportation Chapter

Mr. West reported he will have a draft of the Transportation Chapter of the Master Plan for the next meeting. This chapter was contracted with RPC with an original completion date of June 30, 2008.

ALBERT WITHAM/COUNTRYSIDE ESTATES

Map 3 Lot 001

Mr. Barham reported that the Board has received the notarized Affidavit that is to be filed with the original Countryside Estates Plan referencing this as-built plan, as per condition #5 of the conditionally approved as-built plan of Map 3 Lots 1-1-45 and 1-1-11.

After review by the Board, Mr. Cordes made the motion that the mylar and plan submitted, as per the September 24, 2008 Planning Board approval, be signed by Chairman Barham. Also that the mylar and the Affidavit be recorded at the Rockingham Registry of Deeds.

Motion seconded by Mr. Karcz with a unanimous favorable vote.

WIND POWER ORDINANCE

Mr. Barham reported that the Board received a copy of a February 5, 2009 correspondence from Keith Stanton to the Board of Selectmen requesting that they change the zoning laws to allow the installation of windmills. Mr. Stanton noted that he would need a 200' tower at his 24 Birch Haven property (Map 1 Lot 042-002) to do the job and 200' structures are not allowed by the Fremont Ordinance. The Board received a February 12, 2009 correspondence from Town Administrator Heidi Carlson to Keith Stanton relating that his questions about a wind power ordinance were forwarded to the Planning Board. Mrs. Bolduc stated that she responded to Mr. Stanton's inquiry by referring him to NH RSA 674:62-64.

The Board discussed NH RSA 674:63 - Municipal Regulations of Small Wind Energy Systems.

Ordinances or regulations adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations. Unreasonable limits or hindrances to performance shall include the following:

I. Prohibiting small wind energy systems in all districts within the municipality.

II. Restricting tower height or system height through application of a generic ordinance or regulation on height that does not specifically address allowable tower height or system height of a small wind energy system.

III. Requiring a setback from property boundaries for a tower greater than 150 percent of the system height. In a municipality that does not adopt specific setback requirements for small wind energy systems, any small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height; provided, however, that this requirement may be modified by the zoning board of adjustment upon application in an individual case if the applicant establishes the conditions for a variance under this chapter.

IV. Setting a noise level limit lower than 55 decibels, as measured at the site property line, or not allowing for limit overages during short-term events such as utility outages and severe wind storms.

V. Setting electrical or structural design criteria that exceed applicable state, federal, or international building or electrical codes or laws.

Mrs. Bolduc reported that she contacted the NH Local Government Center relative to RSA 674:63, III and has found that the ZBA can deal with this RSA through the variance process.

Mr. West will submit a copy of the States model wind ordinance for the Board to review.

SEACOAST FARMS

Map 5 Lot 035

Mr. Barham reported that the Board received a multi-day offsite odor complaint relative to the Seacoast Farms Compost site on Shirkin Road as logged by the Building Official on February 12, 2009. There was a conversation relative to the quality of the management practices at the Seacoast Farms site and the number of complaints that have been generated because of the compost operation. Mr. Cordes explained how other such projects are managed with minimal odor. He said that the people who live in the area have dealt with off-site odor for a long time and the municipal officials have had to deal with the complaints. He added that this is Mr. Kelly's project to run properly through good management practices. It was agreed to ask Mr. Roy for an update on the off-site odor complaints.

INCOMING CORRESPONDENCES

1. Received: A copy of a September 4, 2008 Certificate of Formation NH Limited Liability Company as filed by Mark LaGasse for Pentucket Construction, LLC located at 740 Rt 107, Fremont, NH. (Map 2 Lot 141) The certificate shows the nature of the primary business as *"To provide construction and demolition services within the construction industry to individuals and companies or other entities within or without the State of NH and for the purpose of transacting any lawful business within or without the State of NH."*
2. Received: A copy of a February 10, 2009 correspondence from Town Administrator Heidi Carlson to Ingalls Lane Realty acknowledging;
 - 1) the extension of Standby LOC #20002739 through May 31, 2009 in the amount of \$75,545 to cover Phase II of Tuck Woods (Map 4 Lot 094);
 - 2) the receipt of check for \$2,500 to be added to the existing W. Turner Porter escrow for

final inspection of the road in Phase I of Tuck Woods (Map 6 Lot 064); and
3) the release of Standby LOC #20001079 in the amount of \$ 58,016 which expired on January 31, 2008.

3. Received: A copy of a February 10, 2009 correspondence from Town Administrator Heidi Carlson to Jim Lynch of Ocean Bank acknowledging receipt of the following for Governor's Forest (Map 3 Lot 002);
 - 1) Irrevocable Letter of Credit #0400005119-802 for infrastructure improvements within Governor's Forest = expiration: September 20, 2009; and
 - 2) Irrevocable Letter of Credit # 0400005119-803 for the excavation operation at Governor's Forest = expiration: October 11, 2009.
5. Received: A copy of a February 12, 2009 correspondence from Town Administrator Heidi Carlson to Mike Weymouth of Gristmill LLC (Map 2 Lot 173.12) relative to the conveyance of the refunded portion of the Gristmill Road bond in the amount of \$12,300.
6. Received: A copy of a February 10, 2009 correspondence from Town Administrator Heidi Carlson to Conrad Magnusson advising him that the Town is not interested in the purchase of his property at Map 2 Lot 070.

Mr. Karcz made the motion to adjourn at 8:26 pm.

Motion seconded by Mr. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary